

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7453**

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KIRT ELIOT THOMPSON,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden, Evans Correctional  
Institution; HENRY D. MCMASTER, Attorney  
General of the State of South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. Patrick Michael Duffy, District  
Judge. (CA-03-3650)

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Submitted: February 9, 2005

Decided: February 25, 2005

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Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kirt Eliot Thompson, Appellant Pro Se. William Edgar Salter, III,  
OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Kirt Eliot Thompson seeks to appeal the district court's order accepting the magistrate judge's recommendation and dismissing as untimely his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a § 2254 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Thompson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED